

Environmental Information Regulations 2004 (EIR)

Decision notice

Date: 21 July 2023

Public Authority: Brecon Beacons National Park

Address: Plas y Ffynnon
Cambrian Way
Brecon
LD3 7HP

Decision (including any steps ordered)

1. The complainant requested information from Brecon Beacons National Park (BBNP) relating to the recent Brecon Beacons National Park name change. By the date of this notice BBNP had not issued a substantive response to this request.
2. The Commissioner's decision is that BBNP has failed to respond to the request within 20 working days and has therefore breached regulation 5(2) of the EIR.
3. The Commissioner requires the BBNP to take the following steps to ensure compliance with the legislation.
 - Issue a substantive response to the request in accordance with its obligations under the EIR.
4. BBNP must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Freedom of Information Act and may be dealt with as a contempt of court.

Request and response

5. On 19 April 2023, the complainant made the following request for information to BBNP:

"Please could I have all information relating to the recent name change of the Brecon Beacons National Park. As you have publicly stated that the name change is for environmental reasons, please interpret where necessary my request under the EIR regime. Please could you include, but not limit to the below: Cost estimates for the name change. Any estimate of environmental impact of changing the national park's name. Any correspondence with Welsh language campaigners. Any correspondence with local authorities. Any minutes from meetings where the decision was made, including any votes taken."

6. BBNP acknowledged the request on 8 June 2023. To date, a substantive response to the request has not been issued.

Reasons for decision

7. Regulation 5(1) of the EIR states that:

"a public authority that holds environmental information shall make it available on request."

8. Regulation 5(2) of the EIR states that:

"Information shall be made available under paragraph (1) as soon as possible and no later than 20 working days after the date of receipt of the request."

9. The Commissioner contacted BBNP on 21 June 2023 reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days. Despite this intervention BBNP has failed to respond to the complainant.

10. From the evidence provided to the Commissioner in this case, it is clear that BBNP did not deal with the request for information in accordance with the EIR. The Commissioner's decision is that BBNP has breached regulation 5(2) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with the EIR.

Right of appeal

11. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

12. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
13. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Michael Lea
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF